

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**CLAUDIO HERNANDEZ,**

**Plaintiff**

**v.**

**JOHN A. PALACKOVICH, et al.,**

**Defendants**

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**CIVIL NO. 1:05-CV-01655**

**(Judge Kane)**

**ORDER**

**NOW, THEREFORE, THIS 14th DAY OF MAY, 2015**, upon consideration of Defendants' Motions for Summary Judgment (Doc. Nos. 204, 208) and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1) The motions (Doc. Nos. 204, 208) are **DENIED IN PART** as follows:

a) Defendants are not entitled to summary judgment on the basis of Plaintiff's failure to exhaust the available administrative remedies;

b) Defendants are not entitled to summary judgment on the basis of Plaintiff's failure to submit expert witness testimony;

2) This case is hereby referred to

Chief Magistrate Judge Martin C. Carlson  
228 Walnut St.  
P.O. Box 983  
Harrisburg, PA 17101  
(717) 614-4120

for settlement. The parties will file a status report to apprise the Court of the outcome of settlement discussions.

3) All proceedings in this case are hereby **STAYED** until further order of the Court.

S/ Yvette Kane  
YVETTE KANE,  
United States District Judge  
United States District Court  
Middle District of Pennsylvania